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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,053	06/21/2000	Rodric C Fan	M-9199US	6523

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EXAMINER	
ISSING, GREGORY C	
ART UNIT	**PAPER NUMBER**
3662	

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/599,053	FAN ET AL.	
	Examiner	Art Unit	
	Gregory C. Issing	3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *70,71,74,75,78-80,83-85,88-90,93,94 and 130-145* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *70,71,74,75,78-80,83-85,88-90,93,94 and 130-145* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. Claims 136-145 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps/elements, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: a network transmission to the second mobile unit comprising pushing information to the second mobile unit.

2. New claims 136-145 are rejected for failing to set forth subject matter which the applicants regard as novel. The previously pending claims were arguably distinguished over the prior art for the feature of "pushing" the information to the second mobile unit." None of the newly added claims 136-145 comprise this feature. Thus, the claims omit features for which the claims are alleged to be novel. If the applicant is attempting to claim a separate invention, then these claims should be directed to a separate patent application.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 70, 71, 74, 75, 78-80, 83-85, 88-90, 93, 94, and 130-145 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunn or, alternatively, as being unpatentable over Bunn in view of Johnson.

Bunn teaches the method and system substantially as claimed including a first mobile device 30 that determines location relevant-traffic information as well as on-board diagnostic information, including road conditions, weather, accidents, emergencies and traffic flow and then timely reports such to an HQ computer via a communication network (col. 6, lines 15-25). All customers, i.e., second (mobile) devices, have the capability to access the location-relevant information determined by the first mobile device if they have access to the HQ computer via a

network such as the Internet (col. 6, lines 10-25). Also, the first mobile device provides the HQ with information regarding geo-position, state of sensors and state of OBD which information can be used to provide a real time direction and compass display (col. 5, lines 20-26). Bunn differs from the claimed subject matter since the information derived by the first mobile device is not adequately shown as being "pushed" to the second vehicle as defined by the instant application on page 3, lines 24-29 so as to distinguish over providing information "on-demand". However, in view of the fact that the HQ is provided with dynamic location-relevant traffic information, collision information and on-board diagnostic information from a plurality of first mobile device and has the capability of providing such information to a second party, via a cellular link or the Internet, and since Bunn suggests the provision of such information as a real-time direction and compass display (col. 5, lines 24-26) which provides improved safety and security and allows for timely repairs of the vehicles (col. 7, lines 29-32), it would have been obvious, if not impliedly suggested, for the information to be "pushed" to a second device in the instance where the second vehicle is an emergency vehicle or towing vehicle since neither would request the information on demand but rather would receive the information upon notification from the HQ, i.e., in the form of dispatching (col. 9, line 55).

Additionally note, Bunn teaches the "presentation of the information and merchant services being triggered by said local controller upon detecting that said vehicle is within or approaching one of a plurality of pre-stored geo-locations" (column 11, lines 21-25). Additionally, the information for display in the mobile device is normally pre-stored in the memory of the mobile device processor; the information may be updated from the HQ by cell phone communication at times which are transparent to the user (col. 9, lines 10-15).

Alternatively, it would have been obvious to one having ordinary skill in the art to modify Bunn by providing a second local controller, i.e. a second mobile unit, with situational location dependent information from a server by pushing the data in view of the teachings of Johnson thereby enabling the second mobile unit to be made aware of content that is applicable for the current location of the unit, such as an emergency, inclement weather, accident or traffic tie-ups so as to provide the unit with information to make the drive less harrowing, see for example, col. 4, lines 27-40.

Response to Arguments

Applicant maintains that the claimed "pushing" of the information is not set forth in the prior art, particularly with respect to "traffic conditions," "operating conditions," and "maintenance conditions". This is not convincing.

The claimed invention consists primarily of two aspects including (1) providing location relevant information from a first unit to a first system and (2) pushing information from the first system to a second unit. The various sets of claims differ in scope with respect to the type of location-relevant information provided from the first unit to the first system ("traffic conditions," "operating conditions," and "maintenance conditions").

As previously set forth, Bunn discloses local controllers, which meet the scope of first mobile units, as providing a timely source of information to an HQ computer, which meets the scope of the "first system" including vehicle location, road conditions, weather, accidents, emergencies, traffic flow and points of interest," see col. 6, lines 15-25. Furthermore, the HQ computer has access to the mobile unit's on-board diagnostics system (OBD), collision sensors and GPS. The sensed conditions available to the HQ computer from the first mobile unit

therefore include, along with location information, traffic conditions, vehicle operating conditions and vehicle maintenance conditions. Thus, Bunn clearly discloses the first aspect of the claimed subject matter including a first mobile unit transmitting location-relevant information to a first system wherein the first system monitors any/all of the first units and stores the information. Additionally, as disclosed in col. 6, lines 10-14, such information is made available to anyone having communication capabilities with either the first mobile unit or the HQ computer.

Applicant distinguishes two modes in the specification, see page 3 of the specification: an on-demand mode and a pushed mode. In the on-demand mode, the "service is provided in response to a query received" and in the pushed mode, the service is provided "upon occurrence of predetermined events, or satisfaction of certain conditions (e.g. during a specified time period)." In Bunn, the HQ computer monitors and tracks all of the vehicles from the information obtained therefrom either via interrogation or at predetermined times or conditions. Therefore, the HQ computer has stored thereat all of the information related to each vehicle location, road conditions, weather, accidents, emergencies, traffic flow and points of interest. Moreover, each local controller, i.e. second mobile unit, is in wireless communication with the HQ computer, i.e. first system, or other local controllers, i.e. first mobile units. As disclosed in col. 5, lines 1- 9, the local controller "is able to access information or data related to the current geographic location of the vehicle. Since the geo-location coordinates of the vehicle is known by the HQ computer, the geographic specific information may be selected by the HQ computer fuzzy logic and provided to the customer." Additionally, as disclosed in col. 5, lines 43-49, the system for use in vehicles permits the access of information and data tailored to specific geographic areas

and locations and for facilitating a map driven information and data retrieval and communications capability. Bunn clearly discloses the applicant's first mode for on-demand request of information but *does not specifically state* the applicant's second mode for pushing the information. However, in view of the facts that (1) the HQ computer has up-dated location-relevant information with respect to vehicle locations, road conditions, weather, accidents, emergencies, traffic flow and points of interest, (2) the HQ computer can selectively provide data to the customer based on the known customer location, (3) the system integrates map driven HQ software systems, fuzzy logic algorithms, data storage and retrieval systems with non-obtrusive communication with any of the vehicles, (4) a mobile unit has the desire to know of certain information such as a route to a destination and the capability to receive such from the HQ computer, it would be within the scope of the system of Bunn and obvious to the skilled artisan for the HQ computer to provide a mobile unit, e.g. a second mobile unit, with dynamic, up-to-date information (responsive to time) directed to emergencies, accidents, and traffic flow within the route, i.e. responsive to position, as determined and monitored by the HQ computer from other mobile units, e.g. first mobile units, during the interval of time during which the services are provided, e.g. during the rental agreement period.

Alternatively, Johnson clearly teaches the desire to provide situational location dependent information by pushing content rather than in response to query. Thus, it would have been obvious to the skilled artisan in view of Johnson to push the content in Bunn rather than in response to a query.

The applicant's argument that the "pushing" of information to the second unit is not disclosed in Bunn and that it would not be obvious without hindsight reconstruction after reading the applicant's disclosure is not persuasive for the reasons set forth above.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Valentine et al discloses a system and method for providing traffic information to a mobile station through a wireless telecommunications network including a first mobile unit that provides location indicative information (GLS) to a vehicular traffic determination node that receives and correlates the location information with roadway information to generate vehicular traffic information and a wireless communication network that receives the traffic information and selectively transmits to specific mobile stations or broadcasts to all mobile stations within a portion of the network. Sheynblat et al disclose provision of location-based information to a client via a computer network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory C. Issing whose telephone number is (703)-306-4156. The examiner can normally be reached on Mon-Thurs 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on (703)-306-4171. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Gregory C. Issing
Primary Examiner
Art Unit 3662

gci

1/20/04